IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1008 (S/S) of 2006

Parvez Alam,
S/o Sri Abrar Hussain,
R/o Canal Colony Banbasa,
P.O. – Chandani,
Banbasa,
District – Champawat. **……Petitioner**

V e r s u s

1. State of Uttaranchal through its Secretary, Industrial and Technology, Uttaranchal, Dehradun.
2. Director of Training & Services Haldwani, District – Nainital.
3. Director of Training and Services, Directorate Uttaranchal Camp, Dehradun.
4. The Principal, Government Industrial Training Institute (ITI), Sitarganj, District – Udham Singh Nagar.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Khanka, learned counsel for the petitioners, and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) Issue a writ, order or direction in the nature of Certiorari to quash the impugned transfer order dated 10.07.2006 passed by the respondent Director (Annexure no. 1 to the writ petition)

(b) Issue a writ, order or direction in the nature of Mandamus commanding and directing the

respondents to maintain the petitioner in the said college and transfer at Tanakpur College.

(c) Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(d) Award the costs of petition.

Vide order dated 10.07.2006, of Director, Training and Services, Haldwani, petitioner, who is working as Store Keeper in Government Industrial Training Institute, Sitarganj, District – Udham Singh Nagar has been transferred to Kashipur. In the transfer order it is mentioned that transfer is being made on the request of petitioner.

In para 3 of the writ petition, the petitioner has categorically stated that neither he has requested orally nor in writing to the respondents to transfer him from Government Industrial Training Institute (ITI), Sitarganj, District – Udham Singh Nagar to anywhere else.

Learned counsel for the petitioner has submitted that no one has been transferred in place of the petitioner to ITI, Sitarganj and he has already made representation dated 18.07.2006 raising all of his grievances before Director of Training and Services, Haldwani, District – Nainital, which is Annexure no. 4 to the writ petition.

It is categorically mentioned in the writ petition that petitioner has never applied for his transfer whereas the transfer is being made on the request of the petitioner.

In view of the aforesaid circumstances, I deem it fit and proper to direct the respondent no. 2 i.e. Director of Training and Services, Haldwani, District – Nainital, to take decision on the representation of the petitioner dated 18.07.2006 within a period of two weeks from the date of production of certified copy of this order. Petitioner is directed to submit the copy of the order before respondent within a period of one week from today. Till the decision is taken by respondent no. 2 i.e. Director of Training and Services, Haldwani, District – Nainital, on the representation made by the petitioner, petitioner shall not be relieved, in case, he has not already been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 24, 2006
SKSharma